Memorandum of Agreement regarding Selma to **Montgomery Trail**

Memorandum of Agreement regarding Selma to Montgomery Trail

Alabama Department of Transportation

Alabama Historical Commission

Federal Highway Administration

WHEREAS, the Alabama Department of Transportation (ALDOT) and the Federal Highway Administration (FHWA) have a series of planned alterations to US Highway 80 between the Alabama River crossing at Selma, Alabama, and the Montgomery Airport in Montgomery County, Alabama, known as the Selma to Montgomery Voting Rights March route, a property eligible for inclusion in the National Register of Historic Places, and have consulted with the Alabama State Historic Preservation Officer (SHPO) pursuant to 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act (16U.S.C. 470f); and

WHEREAS, the consulting parties agree that the Selma to Montgomery Voting Rights March route should be addressed as a single historic resource with a programmatic mitigation that considers the collective positive and negative impacts of the projects to be undertaken; and

THEREFORE, FHWA, ALDOT, and the Alabama SHPO agree that the projects included in this agreement shall be administered in accordance with the following stipulations for undertakings that may have an impact on the Selma to Montgomery Voting Rights March route.

This document addresses the effects of possible treatments to the eligible property and specifies effect determinations for certain recurring actions. These stipulations reflect the condition of the eligible historic property as of October 31, 2002. Any undertakings carried out under the terms of this agreement should be judged against the current conditions of the eligible property.

Section A. FHWA, ALDOT and the Alabama SHPO agree that certain highway improvements made to the eligible historic property outside of mile marker 107.5 to mile marker 113.2, and mile marker 114.3 to mile marker 116.8 (generally those areas in Montgomery and Dallas Counties which were four lanes in 1965), will be treated as follows:

- 1. Resurfacing existing roadway, patching potholes, mowing grassy medians and shoulders, erecting ground mounted traffic control signs (as found in the Manual on Uniform Traffic Control Devices) and guardrail and repainting roadway markings will have no effect on the historic property.
- 2. The extension of pipe and culvert headwalls which includes a covering of vegetation identical to that of the surrounding area will have no effect.
- 3. Any new traffic signals between the Selma City limits and the Montgomery Airport will not have an adverse effect on the historic property if installed with concrete poles with lights strung on wires or wooden poles with lights strung on wires as a first choice.
- 4. Where there are paved shoulders existing on the road as of October 31, 2002, the development of bike lanes on the shoulder shall be considered no effect.
- 5. Shoulder treatments shall be considered to have no adverse effect on the historic property when:
 - a. Any shoulder maintenance or stabilization project which maintains grassy cover at the current width or with the road edge stabilized with paving of no more than two feet.
 - b. Maintenance of paved shoulders where they exist.
- Bridge replacements with design which meet current highway design recommendations shall be considered no adverse effect on the historic character of the roadway.
- Section B. FHWA, ALDOT and the Alabama SHPO agree that certain highway improvements in Lowndes County, between mile marker 107.5 and mile marker 113.2, and between mile marker 114.3 and mile marker 116.8 will be treated as follows:
- 1. ALDOT will develop a project to purchase new rights-of-way adjacent to the most recently constructed lanes of the highway and new travel lanes will be constructed in this right-of way to provide four-lane travel. New lanes will be constructed in this right of way using current highway design specifications, and will be reviewed under the standard NEPA process, but will not be considered an adverse effect to the historic lanes. The historic lanes will provide for local traffic, pedestrian and bicycling amenities only. When the new lanes are constructed, if vehicular traffic is restricted from access to any portion of the historic lanes, ALDOT may, at it's option, convey ownership of those restricted portions of the historic lanes to the appropriate entity for maintenance and operation.

- The design of the transition between the four-lane highway and the historic lanes will be designed in consultation with the SHPO.
- Resurfacing existing roadway, patching potholes, mowing grassy medians and shoulders, erecting ground mounted traffic control signs (as found in the Manual on Uniform Traffic Control Devices) and guardrail and repainting roadway markings will have no effect on the historic property.
- On the historic two-lane section of the road, bridges replaced so that the visual character as seen from the road remains the same in lane width and bridge rail design will not have an adverse effect on the historic property. Deck and structure under the bridge may be altered as required.

Section C. FHWA, ALDOT and the Alabama SHPO agree to the following general provisions concerning the entire historic property.

- A landscape architect or landscape historian will be hired by the SHPO through a contract with ALDOT to inventory the significant, historically intact landscapes along the eligible corridor. This effort will produce a ranked list of significant unaltered areas in the view shed of the march route with their acreage and location (mile marker) along U.S. Highway 80. ALDOT commits a maximum amount of \$40,000 in Federal Transportation Enhancement funds toward this effort. SHPO will provide matching funds in the amount of \$10,000.
- The restoration of the historic landscape is highly desirable in reestablishing and maintaining the historic character of the route. The most effective means to accomplish that end is to acquire historic and scenic easements at appropriate points on the route. To this end, the Alabama SHPO will identify and seek funding to purchase such easements.
- Any work not identified above shall be processed in accordance with all applicable state and federal laws.
- It is agreed that the sections of road where the vertical curve does not meet current design standards will remain as they are as of October 31, 2002. If accident data indicates safety problems in areas of steep vertical curve, the DOT will consult with the SHPO on design of improvements to minimize the safety issues according to the standard 106 process.
- All requests for driveway access will be forwarded to the State Maintenance Engineer for review and coordination with the Alabama Historical Commission. All permitted driveways will be designed in accordance with the ALDOT Maintenance Manual.

6. To the extent that it is practical, any intersections will be constructed at or below the October 31, 2002 grade. Any proposal to construct a grade separated intersection above the October 31, 2002 grade will require further coordination with the SHPO.

Termination

Any party to this Agreement may terminate it by providing 180 days notice to the other parties, provided that the parties will consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination.

Execution of this Memorandum of Agreement by the Federal Highway Administration and the Alabama SHPO, its subsequent acceptance by the Council, and implementation of its term, evidence that the Federal Highway Administration has afforded the Council an opportunity to comment on the planned alterations to US Highway 80 between the Alabama River at Selma, Alabama, and the Montgomery Airport in Montgomery County, Alabama, and its effects on historic properties, and that the Federal Highway Administration has taken into account the effects of the undertaking on historic properties.

ALABAMA DEPARTMENT OF TRANSPORTATION

ALABAMA STATE HISTORIC PRESERVATION OFFICER

FEDERAL HIGHWAY ADMINISTRATION

By: Date: Feb 27,03

PUBLIC LAW 101-321—JULY 3, 1990

104 STAT. 293

Public Law 101-321 101st Congress

An Act

To amend the National Trails System Act to designate the route from Selma to Montgomery for study for potential addition to the national trails system.

July 3, 1990 [H.R. 3834]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Selma to Montgomery National Trail Study Act of 1989".

SEC. 2. FINDINGS.

The Congress finds that:

(1) The march from Selma to Montgomery led to the passage of the Voting Rights Act of 1965, which achieved the legal right to vote for all Americans.

(2) Events associated with the march from Selma to Montgomery and from what came to be known as "Bloody Sunday" sent shock waves around the world, raised the Nation's consciousness and convinced political leaders that the time had come for voting rights legislation.

(3) The designation of the route of the march from Selma to Montgomery as a national historic trail will serve as a reminder of the right and responsibility of all Americans to fully participate in the election processes. It will serve as a reminder that we must be ever vigilant in securing our right to vote. It will also give long overdue recognition to the men and women who have sacrificed so much for, and dedicated their lives to, voting rights for all Americans.

SEC. 3. DESIGNATION OF TRAIL FOR STUDY.

Section 5(c) of the National Trails System Act (82 Stat. 919; 16 U.S.C. 1244(c)) is amended by adding the following new paragraph at the end thereof:

"(33) The route from Selma to Montgomery, Alabama traveled by people in a march dramatizing the need for voting rights legislation, in March 1965, includes Sylvan South Street, Water

Selma to Montgomery National Trail Study Act of 1989. Alabama. National parks. monuments, etc. Historic preservation. 16 USC 1241

PUBLIC LAW 101-321—JULY 3, 1990

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Avenue, the Edmund Pettus Bridge, and Highway 80. The study under this paragraph shall be prepared in accordance with subsection (b) of this section, except that it shall be completed and submitted to the Congress with recommendations as to the trail's suitability for designation not later than 1 year after the enactment of this paragraph."

Approved July 3, 1990.

LEGISLATIVE HISTORY—H.R. 3834:

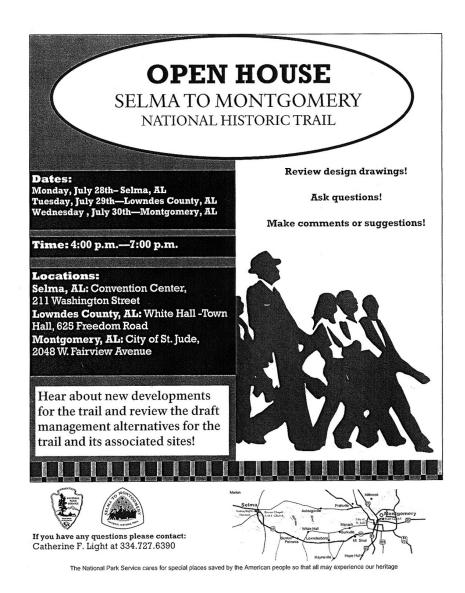
HOUSE REPORTS: No. 101-425 (Comm. on Interior and Insular Affairs).
SENATE REPORTS: No. 101-313 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 136 (1990):
Mar. 20, considered and passed House.
June 14, considered and passed Senate.

APPENDIX 3 NTSA Legislation

See http://www.nps.gov/nts/legislation.html for the THE NATIONAL TRAILS SYSTEM ACT (P.L. 90-543, as amended through P.L. 107-325, December 4, 2002)

APPENDIX 4

Public Meetings



Advertisement distributed in the community to publicize July open house meetings.

Public Meeting Comments

Overall, there was a positive response from the public meetings. Participants noted that Alternative C would include educational opportunities to learn about the struggles for voting rights and have a positive impact on the state.

Some general concerns that were noted by attendees included the slow pace of the project, the possibility of a landfill along a portion of Highway 80, the location of the Selma Interpretive Center at the old Peoples Bank building, and the way in which the events of the march will be depicted.

Also included were some suggestions for additional sites:

- Craig Air Force Base
- Lutheran Academy
- Hudson High School
- SNCC Freedom House in Whitehall
- SNCC Freedom Riders on Tremont
- Alabama Street

Monday, July 28, 2003 – Selma, Alabama

- Did not see exterior visuals of Tent City Interpretive Center. What is the origin of phrase – We Got a Movement?
- Object to Visitors Center at old Peoples Bank building should be reconsidered for Jeff Davis area
- The information presented was very informative. The people were very helpful. This was an excellent idea. It was worth the money spent. The community salutes you.
- Well, the Plan is OK. From the looks of things, it's just great. Hope to be able to help on the construction sight.
- I think that it's a great idea. It would be nice to have a place to visit and learn about the struggle that my parents and grandparents had to go through.
- This is an event whose time has come. I think that this is going to do great things for the State of Alabama.

- Include various routes on image boards Bloody Sunday (Selma Avenue), Turnaround Tuesday (Water Avenue), March 21 (Alabama to Broad)
- Put Interpretive Center on Jeff Davis that's where movement was.
- NPS Visitor Contact Station on MLK
- Liuzzo correct spelling on image board
- Lutheran Academy (now Concordia College), Hudson High School and now middle school should be added
- Look at economic revitalization issues in Washington Park neighborhood and neighborhood in Selma
- Recognize neighborhood issues and grassroots involvement in Selma
- Craig Field as a secondary site
- Bring Interpretive Center to fruition!! The movement touched all of Selma. The site at Broad and Water was selected – Important.
- The citizens of Selma/Dallas County are ready to move forward with an Interpretive Center!
- SNCC Freedom House in Whitehall, SNCC Freedom Riders on Tremont in Selma
- A very large Interpretive Center (Selma) 1) with paid workers and volunteers. 2) Put the trail on all statewide tourism advertisements - including David Bronner's State Employee's Retirement Television Station and the different tourism magazines.

Thursday, July 29, 2003 – Whitehall, Lowndes County, Alabama

- Make sure Black Panther symbol and story is included in Center. This movement and usage of symbol changed the political landscape in this state and country!
- Alt. B Story Definition transfer to Alt. C
- Include full or partial walking trail along Highway 80
- When will the building of the Center in Lowndes County really start??? Why the hold-up of the Center being built???
- What is the Dept. of Transportation doing besides sweet talking?
- Somehow zone 80 to control business and keep historic pasture land.
- We do not want to see a landfill put on Highway 80 by Waste Management
- Voting Rights Museum materials to Interpretive Center and existing museum available for education, etc.
 Museum would be the Interpretive Center at new facility.
 NPS would contribute additional materials
- What a lot of good work! Please be vigilant when selecting imagery for Tent City display at Interpretive Center to use photos from local collections in addition to

those available from national sources. As much as possible, try to present images as they were seen by the people who made the history, not scenes through the eyes of outside observers.

Wednesday, July 30, 2003 – City of St. Jude, Montgomery, Alabama

- Less is more; add Alabama State as a secondary site.
- Alabama Street as possible secondary site in Montgomery
- Remember the usage of the Black Panther symbol for those voters who could not read or write. This caused the change in political landscape in state and shook-up those in Washington, DC and the nation.
- Stop the dump on the Civil Rights Trail!
- Get off the slow track and get on the job and start building the centers in Lowndes County. No more delays, sweet talks, start building now!
- Gee's Bend a mobilization "port" for Rev. Dr. Martin Luther King, JR.
- Change signs on I-85 to Martin Luther King, JR.Interchange

Vegetation and Threatened and Endangered Species APPENDIX 5

Table 24 Typical fencerow plants along U.S. Highway 80			
Botanical Name	Common Name	Current Confirmation	Comment
Albizia julibrissin	Mimosa	Field observation	Exotic and invasive
Andropogon glomeratus	Brushy bluestem	Field observation	Native
Andropogon ternaries	Splitbeard bluestem	Field observation	Native
Celtis laevigata	Sugar hackberry	Field observation	Native
Erianthus giganteus	Sugarcane plumegrass	Field observation	Native
llex deciua	Possumhaw	Field observation	Native
Juniperus virginiana	Eastern redcedar	Field observation	Native
Ligustrum sinese	Chinese privet	Field observation	Exotic and invasive
Maclura pomifera	Osage orange	Field observation	Native
Melia azedarach	Chinaberry Tree	Field observation	Exotic and invasive
Myrica cerifera	Waxmyrtle	Field observation	Native
Phoradendron serotinum	Mistletoe	Field observation	Native
Pinus spp.	Pine	Field observation	Native (some species)
Prunus spp.	Wild Plum	Field observation	Native
Rhus spp.	Sumac	Field observation	Native
Quercus nigra	Water Oak	Field observation	Native
Schizachyrium scoparium	Little bluestem	Field observation	Native

Source: Cultural Landscape Inventory, NPS, Southeast Regional Office, April 2000

Table 25 Characteristic agricultural crops January-February 2000		
Botanical Name	Common Name	Current Confirmation
Carya spp.	Pecan	Field observation
	Cotton	Field observation
	Corn	Field observation
Pinus spp.	Pine	Field observation

Source: Cultural Landscape Inventory, NPS, Southeast Regional Office, April 2000

Table 26 Characteristic bottomland plants			
Botanical Name	Common Name	Current Confirmation	Comments
Acer rubrum	Red maple	Association	Native
Magnolia virginiana	Sweetbay	Field observation	Native
Platanus occidentalis	Sycamore	Field observation	Native
Sabal minor	Palmetto	Field observation	Native
Tillandsia usneoides	Spanish moss	Field observation	native

Source: Cultural Landscape Inventory, NPS, Southeast Regional Office, April 2000

Table 27 Threatened and Endangered Animals	
Species	Status
Acornshell, southern	E
Alligator, American	Т

Bat, Gray	Е
Bat, Indiana	Е
Bean, Cumberland (pearlymussel)	XN
Blossom, tubercled (pearlymussel)	XN
Blossom, turgid (pearlymussel)	E
Blossom, yellow (pearlymussel)	E
Blossom, yellow (pearlymussel)	XN
Campeloma, slender	E
Catspaw	Е
Catspaw	XN
Cavefish, Alabama	Е
Chub, spotfin	Т
Clubshell, ovate	E
Clubshell, southern	Е
Combshell, Cumberlandian	E
Combshell, Cumberlandian	XN
Combshell, southern	E
Combshell, upland	E
Darter, boulder	Е
Darter, goldline	Т
Darter, slackwater	Т
Darter, snail	Т

Darter, vermilion	E
Darter, watercress	E
Eagle, bald	Т
Elimia, lacy	Т
Fanshell	E
Heelsplitter, Alabama	Т
Kidneyshell, triangular	E
Lampmussel, Alabama	Е
Lampmussel, Alabama	XN
Lilliput, pale (pearlymussel)	E
Lioplax, cylindrical (snail)	E
Mapleleaf, winged (mussell)	XN
Moccasinshell, Alabama	Т
Monkeyface, Cumberland (pearlymussel)	E
Monkeyface, Cumberland (pearlymussel)	XN
Mouse, Alabama beach	E
Mouse, Perdido Key beach	E
Mucket, orangenace	Т
Mucket, pink (pearlymussel)	E
Mussel, oyster	E
Mussel, oyster	XN
Pearlymussel, birdwing	XN

Pearlymussel, cracking	E
Pearlymussel, cracking	XN
Pearlymussel, dromedary	XN
Pebblesnail, flat	E
Pigtoe, dark	E
Pigtoe, finerayed	E
Pigtoe, finerayed	XN
Pigtoe, flat	E
Pigtoe, heavy	E
Pigtoe, rough	E
Pigtoe, shiny	E
Pigtoe, shiny	XN
Pigtoe, southern	Е
Pimpleback, orangefoot	Е
Plover, piping	Т
Pocketbook, finelined	Т
Pocketbook, shinyrayed	E
Ring pink (mussel)	E
Riversnail, Anthony's	E
Riversnail, Anthony's	XN
Rocksnail, painted	Т
Rocksnail, plicate	E

Rocksnail, round	Т
Salamander, Red Hills	Т
Sculpin, pygmy	Т
Sea Turtle, green	Т
Sea Turtle, hawksbill	E
Sea Turtle, Kemp's ridley	E
Sea Turtle, leatherback	E
Sea Turtle, loggerhead	Т
Shiner, blue	Т
Shiner, Cahaba	E
Shiner, palezone	E
Slabshell, Chipola	Т
Snail, armored	E
Snail, tulotoma	E
Snake, eastern indigo	Т
Stirrupshell	E
Stork, wood	E
Sturgeon, Alabama	E
Sturgeon, gulf	Т
Tortoise, gopher	Т
Turtle, Alabama red-belly	E
Turtle, flattened musk	Т

Wartyback, white (pearlymussel)	E
Whale, finback	E
Whale, humpback	E
Woodpecker, red-cockaded	E

Source: United States Fish & Wildlife Service's Threatened and Endangered Species System, August, 2003

E – Endangered T – Threatened XN – Experimental Population, non-essential

Table 28 Threatened and Endangered Plants		
Species	Status	
Amphianthus, little	Т	
Potato-bean, Price's	Т	
Fern, Americn hart's-tongue	Т	
Leather Flower, Morefield's	Е	
Leather Flower, Alabama	E	
Prairie-clover, leafy	E	
Sunflower, Eggert's	Т	
Bladderpod, lyrate	Т	
Button, Mohr's Barbara	Т	
Harperella	Е	
Water-plantain, Kral's	Т	
Pitcher-plant, green	E	
Pitcher-plant, Alabama canebrake	Е	

Chaffseed, American	E
Pinkroot, gentian	E
Fern, Alabama steak-sorus	Т
Trilium, relict	E
Grass, Tennessee yellow-eyed	E

Source: United States Fish & Wildlife Service's Threatened and Endangered Species System, October, 2002

E – Endangered T – Threatened XN – Experimental Population, non-essential

APPENDIX 6

Selma to Montgomery National Historic Trail Signs



Figure 40 Sign currently found along the march route

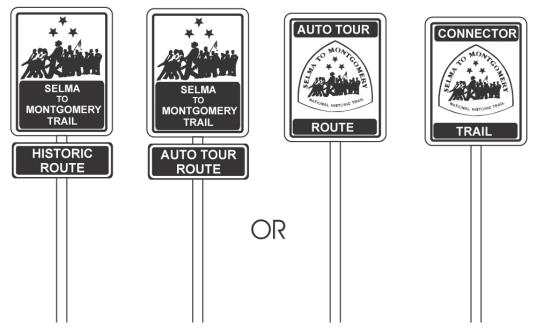


Figure 41 Sample uniform markers used on original trail route and auto route

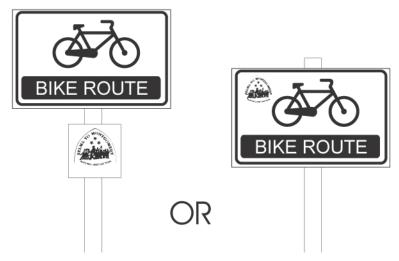


Figure 42 Sample uniform markers used on designated bike route

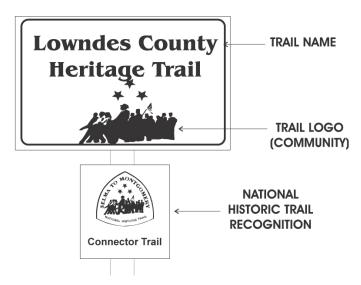


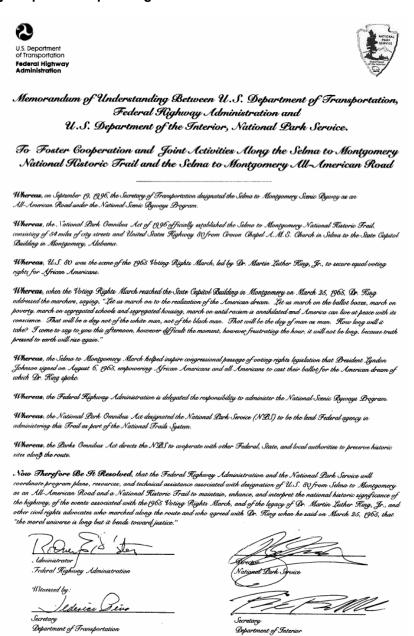
Figure 43 Concepts for connector trails



Figure 44 Army COE sites near the march route

APPENDIX 8

Memorandum of Understanding between National Park Service and the Federal Highway Administration on joint partnership management of the Trail.







Declaration of Participation and Support

From State and Local Governments, Members of Communities, and Givil Rights Advocates

To Foster Cooperation and Joint Activities with the Federal Righway Administration and the National Lark Service along the Selma to Montgomery National Historic Trail and the Selma to Montgomery All-American Road

Whereas, the U.S. Department of Fransportation, Federal Kighway Administration and the U.S. Department of Interior, National Lark Service by Memorandum of Understanding will coordinate program plans, resources, and technical assistance associated with designation of U.S. 80 from Selma to Montgomery as an All-American Road and a National Historic Frail.

Whereas, membere of Alabama communities, State and local governments, as well as civil rights advocates, have witnessed the signing of the Memorandum of Understanding between the Federal Righway Administration and the National Lark Service.

Now Therefore Be It Resolved, that these witnesses will participate in and support the planning and implementation of program activities connected to the designation of U.S. 80 from Selma to Montgomery as an All-American Road and a National Historic Frail to maintain, enhance, and interpret the national historic significance of the highway, of the events associated with the 1965 Voting Rights March, and of the legacy of Dr. Martin Luther King, Jr., and other civil rights advocates who marched along the route.

Supported By.





Declaration of Participation and Support

From State and Local Governments, Members of Communities, and Civil Rights Advocates

To Foster Cooperation and Joint Activities with the Federal Righway Administration and the National Bark Service along the Selma to Montgomery National Ristoric Trail and the Selma to Montgomery All-American Road

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Supported By:	
Johni R Care	June L. Hornathy
Morie of extert	follaria
Charlie King fr.	Acres Williams
Alum A. Claud S	Homela 2 Gami
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